

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of:)	
)	
Amendment of the Amateur Service Rules)	WT Docket No. 12-283
Governing Qualifying Examination Systems and)	
Other Matters)	
)	
Amendment of Part 97 of the Commission's)	RM-11629
Amateur Service Rules to Give Permanent Credit)	
for Examination Elements Passed)	
)	
Amendment of Part 97 of the Commission's)	RM-11625
Rules to Facilitate Use in the Amateur Radio)	
Service of Single Slot Time Division Multiple)	
Access Telephony and Data Emissions)	
)	
Request for Temporary Waiver)	WT Docket No. 09-209
Amendment of the Amateur Service Rules)	
Governing Vanity and Club Station Call)	

To the Commission:

REPLY COMMENTS OF JAMES E. WHEDBEE TO LEE McVEY

COMES now JAMES EDWIN WHEDBEE, who pursuant to Sections 1.41 and 1.415 of the Commission's Rules (47 C.F.R. Sections 1.41, 1.415), respectfully files these his reply comments to Mr. W. Lee McVey's (McVey) reply comments posted 12/27/2012 in ECFS.

ARRL's PECUNIARY INTEREST

1. While ARRL's pecuniary interest in its test-preparation materials and such are, in theory, a conflict of interest, ARRL has not demonstrated those pecuniary interests are having an undue influence over its policies, or indeed, its filings with the Commission. If ARRL loses all, or even a significant part, of the funds attributable to

licensing, test preparation, and the like, it can overcome those losses simply by increasing membership fees. Moreover, given that ARRL is accused of acting contrary to the radio service for which this NPRM was issued, it is critical to establish a nexus between the ARRL's filing, the theorized conflict of interest, and ARRL's actions toward the amateur radio service. In numerous other proceedings before the Commission, ARRL is the ONLY party taking up amateur radio's cause and vigorously defending amateur radio. For these reasons, the accusation of conflict of interest, while possible on paper, is not justified in practice. Accordingly, I disagree with McVey's assertion.

McVEY'S SUGGESTIONS AS TO ARRL'S MOTIVES FOR ARRL'S COMMENTS

2. On Page 4 of his Reply Comments, McVey states: "ARRL goes to some length to cite the prior opinion of the Commission with respect to lifetime licensure in its *Report and Order*, FCC 97-99, 12 FCC Rcd. 3804, released April 1, 1997. Specifically, at Paragraphs 19 and 20, wherein the Commission concedes that it would have to" *develop and maintain a separate data base for the purpose of maintaining indefinitely records of amateur operators who allow their station license to expire.*" It is arguable that the Commission, in the interim, has done just that across all services for all licensees."
3. McVey then connects, in what I believe is a technically accurate portrayal, where the ARRL's assertions are no longer relevant: the Morse Code proficiency requirement no longer exists, commercial radiotelephone licenses are issued for the lifetime of the

operator, and the passage of time has allowed for technical developments which render issuance of lifetime licenses more of a necessity than in 1997.

4. In concept, I agree with McVey on this aspect of his Reply Comments. Where I disagree with McVey is in this sense: ARRL and McVey are both ignoring the potential for maintaining continuing education requirements for lifetime licensees who wish to exceed the Commission's requirements for technical mastery. The current system imposes an unnecessary regulatory burden on licensees, and an unnecessary cost associated with that to the Commission. Aside from emotions such as personal comfort with licensees, feels of security about fellow radio operators, and concern for the prestige of amateur radio, there is no factual or logical reason offered for the current system; accordingly, it ought to be harmonized with the licensing practices associated with other services.
5. Also ignored by ARRL and McVey is this simple fact: the current VE/VEC system of licensing depended on the older-still practice of an 'elmer' who was a General-Class Operator (or higher) testing, as a VE, a prospective Novice-Class Operator. You see, the old single-VE testing of a prospective Novice-Class Operator was the predicate ARRL used to persuade the Commission that the VE/VEC system of licensing was in the public interest. If it was so then, it is so now that we no longer need-nor is it particularly desirable-a VE/VEC system where three VE's are required. If the test-administering VE and examinee concurrently log on to the test, which I feel ought to be computer based modules (CBM's), once the examinee logs out, neither the VE or the examinee may reopen the exam-thus making it MORE secure. Were we genuinely concerned with fraud, these exam sessions would require photographic

identification, another form of ID, and all the paperwork needed for the session, followed by CBM's which are coded to score the test as soon as the examinee logs out (without further VE intervention). About the only worry in this scenario is loss of commercial power. If the examinee's proficiency warrants, a license/upgrade is recorded in the ULS by both the test-administering VE and the supervising VE, and that's the end of it: no need for interim permits, CSCE's, grace periods, etc.

McVEY's PRO FORMA CONCERNS, RE: ARRL's COMMENTS

6. ARRL's comments are in a form which largely conform to Commission practice. McVey overlooks the principal of the Commission's requirements as to form: that the form serve the public interest. ARRL's comments aren't so technically sophisticated that an average and reasonable layperson cannot divine their intent; accordingly, McVey's protestations as to the pro forma issue of ARRL's comment format are irrelevant.

INFORMAL REQUEST

7. The insertion of irrelevant matter into this record serves only to inflame passions which, to date, aren't present in the record.
8. Section 1.41 of the Commission's rules allow for a party to request action otherwise available by formal request. Accordingly, if the Commission gives any regard whatsoever to McVey's assertions in its dispositive deliberations, the undersigned

requests the Commission overlook, or strike, McVey's assertions against ARRL's pleading style as irrelevant.

WHEREFORE, consistent with his prior comments and reply comments, the undersigned prays the Commission's Order: (1) reinstating, by rule, all former amateur radio licensees whose licenses lapsed within the preceding 12 years, and those for the lifetime of the operator (provided that operator hasn't predeceased the outcome of these proceedings); (2) granting all current amateur radio licensees an extension of their present licenses for the lifetime of the operator (such as the Commission did with Marine Radio Operator Permits); (3) eliminating the CSCE/Interim Permit and interim operator privileges, but authorizing VE's to upgrade licenses online through ULS upon passage of an upgrade examination; (4) authorizing fewer than three VE's test conduct amateur radio license examinations; (5) authorizing remote amateur radio license examinations; (6) authorizing emissions with an "X" or "7" as its second designator, and further exploring bandwidth rather than emission-type privilege regulation; and, (7) for such other and further relief as shall be consistent herewith.

Respectfully Submitted:



December 27, 2012

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